

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an
individual and as guardian *ad litem*, on behalf
of S.M., a minor,

Case No. 6:20-cv-01163-MK

Plaintiffs,

v.

ORDER

MARK DANNELS *et al.*,

Defendants.

KASUBHAI, United States Magistrate Judge:

On June 25, 2023, Municipal Defendants¹' counsel, Robert E. Franz, Jr., served Aleksandra Djerić with a deposition subpoena. Franz Decl. Ex. B, ECF No. 196. Ms. Djerić did not appear for the deposition as required by the subpoena. Franz Decl. 2. Mr. Franz then mailed Ms. Djerić a letter via First Class Mail regarding the subpoena and her failure to comply, requesting that she contact Municipal Defendants' counsel. Franz Decl. 3. A copy of the letter was later hand-delivered to Ms. Djerić's residence. *Id.* On September 29, after no response from

¹ Defendants Mark Dannels, Pat Downing, Shelly McInnes, Raymond McNeely, Kip Oswald, Michael Reeves, Sean Sanborn, Eric Schwenninger, Chris Webley, Anthony Wetmore, Craig Zanni, David Zavala, City of Coquille, City of Coos Bay, and Coos County, Oregon.

Ms. Djeric, the Court granted Municipal Defendants' motion for an order to comply. ECF No. 206.

Failure to comply with a subpoena is grounds to be held in contempt. Fed. R. Civ. P. 45(g). The subpoena demanding Ms. Djeric's appearance for deposition was an enforceable order. Accordingly, Ms. Djeric's failure to appear for the deposition was equivalent to defiance of an order from this Court.

IT IS THEREFORE ORDERED that Ms. Aleksandra Djeric, of 687 Center St. in Orgeon City Oregon, shall appear for deposition by Municipal Defendants' counsel, Robert E. Franz, Jr., within 30 days of service of this Order. Municipal Defendants are responsible for serving Ms. Djeric with this Order, as well reissuing a subpoena with the time and place for appearance for deposition.

IT IS SO ORDERED.

DATED this 2nd day of October 2023.

s/ Mustafa T. Kasubhai
MUSTAFA T. KASUBHAI (He / Him)
United States Magistrate Judge